MINUTES OF THE BOARD OF POLICE COMMISSIONERS MEETING TUESDAY, JUNE 26, 2012

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, June 26, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri.

PRESENT:

Commissioner Lisa T. Pelofsky, President Commissioner Alvin L. Brooks, Vice President Commissioner Angela Wasson-Hunt, Treasurer Commissioner Patrick A. McInerney, Member Mayor Sylvester "Sly" James, Jr., Member Darryl Forté, Chief of Police Mr. David V. Kenner, Secretary/Attorney

This meeting was called to order at 9:18 a.m. by Commissioner Pelofsky. The invocation was provided by Commissioner Brooks.

1. <u>Cochran Head Vick & Co., P.C.</u> Mr. David Cochran and Mr. Mike Keenan of Cochran Head Vick & Co., P.C., presented the audit findings for the year ended April 30, 2012. He said they were assisted in the audit by Mr. Ralph Johnson, CPA. Mr. Cochran provided the Board with the financial statements, the single audit report, and the required communication and management letter. Mr. Cochran thanked everyone involved in the finance department for being very helpful and professional during the audit.

In summarizing the audit, Mr. Cochran said no illegal acts were discovered; the police department adopted Governmental Accounting Standard Board No. 54 which significantly changes the reporting of the fund balance of the

police department. Mr. Cochran said the report on the financial statements is labeled as an unqualified "clean" opinion which is the highest opinion possible.

Mr. Cochran said a couple of deficiencies were noted related to financial reporting with respect to capital assets and accounts payable. Also, with regard to compliance with major federal programs, there was a lack of oversight in one instance in connection with suspension and debarment of any potential contractors with the police department. These deficiencies were explained and resolved.

Commissioner Pelofsky thanked the auditing firms involved in the audit as well as the Department's finance unit.

2. <u>Councilman John Sharp</u>.

Councilman Sharp again thanked the Board for making the command staff available to attend the Public Safety and Emergency Services Committee meetings. A recent presentation from MPD made the committee aware of the difficulty in enforcing the noise ordinance. The City Council will examine this ordinance to find ways to make it more enforceable.

Councilman Sharp said that the Department will present information to the committee about the Spanish Immersion Program.

Councilman Sharp is pleased with the Red Light Camera Study and said it is helpful in showing that the cameras have been effective in reducing the number of crashes at intersections.

He thanked SPD for security provided at the new Baywater aquatic center in south Kansas City.

3. Public comments.

Ms. Sally Thompson thanked the Chief and the Board for efforts to curtail crime in her neighborhood. She apologized for previous comments she made about Major Ron Fletcher. Ms. Thompson presented letters from her Sunday school class thanking the KCPD for their help.

Ms. Thompson said she is very pleased about the closing of 2904 E. 40th Street, and she expressed her concerns about another drug house in the neighborhood where dog fighting is going on.

Mr. Joel Ritchie, former sworn and non-sworn member of KCPD from 2003 to 2008, made comments concerning *Gardner v. BOPC* in which he was the principle party. He said this is the first time he has been allowed to publicly address this situation. Mr. Ritchie said he is grateful for all that has happened to him since the incident that occurred on September 24, 2007. He thanked the Board and to all others who were supportive of him during that difficult time.

Commissioner Brooks told Mr. Ritchie that he was courageous for speaking publicly today and he thanked him for his comments. Commissioner McInerney said he appreciated Mr. Ritchie's comments and he has the Board's admiration for doing so. Chief Forté concurred with comments made by Commissioner Brooks and McInerney.

4. Mr. Eric Bosch, City Architect. Mr. Bosch provided an update on the current construction projects.

He said the exterior of headquarters is nearly complete. The J.E. Dunn contract will go to committee tomorrow and interior work may begin in July. The

first project will be the addition on the north side of the building. The project will take about 28 months.

Work on the SPD/SOD has gone well and carpeting and painting are being completed. Plantings will occur in September and October.

Community meetings continue related to the new EPD/Crime lab project every second and fourth Thursday. Mr. Bosch continues to meet with Helix Architects weekly to discuss the design.

Mr. Bosch said 87 percent of the properties have been purchased by the City, however, a few title issues must be resolved through the court. Mayor James said it was his understanding that some condemnations may be necessary and asked if any of the condemnations were due to disagreement on price. Mr. Bosch said he has few details on condemnations and said most of the issues requiring court action are related to title issues.

Chief Darryl Forté. Chief Forté said the security plan is in place for the city during the All Star game and related festivities. He said Deputy Chief Rose, Major Rich Lockhart, and many others have done an excellent job in putting the security plan together. A post-game report will be provided to the Board at the July Board meeting.

Chief Forté said he has had the opportunity to travel and has had conversations with other Chiefs of Police and elected officials at a variety of conferences. Based on what he has heard from other cities, the City of Kansas City, Missouri, has done an excellent job of keeping funds available for public

safety in the community. Many other cities have experienced layoffs of police officers.

Chief Forté commented on the year-to-date number of homicides on Daily Homicide Analysis for June 26, 2012. He pointed out that the number of homicides year-to-date has not exceeded the number for the same time period last year. Commissioner McInerney noted that the clearance rate is steadily moving up.

6. <u>Investigations Bureau</u>. Deputy Chief Randy Hundley reported that year-to-date there have been 48 homicides with 48 for the same time period last year. Deputy Chief Hundley said there are 1,366 cases that have been presented to the prosecutor and charges were filed in 1,000 of these.

With regard to drive-by shootings, there have been 19 in April 2012, as compared to 24 in April 2011.

The Cold Case Sex Crimes backlog disposition is currently at 1,288 cases in need of review.

Deputy Chief Hundley submitted the Narcotics and Vice Summary for May 2012. This report is Attachment "A" and is made a part of these minutes. Commissioner McInerney said he is impressed with the 99 percent increase in narcotics related arrests and the 163 percent increase in recovered firearms.

7. Patrol Bureau.

Deputy Chief Cheryl Rose presented the Monthly Crime Summary for April 2012. This report is Attachment "B" to these minutes. Also submitted was the May 2012, Traffic Summary which is marked as Attachment "C" to these minutes.

With regard to response times, Deputy Chief Rose advised that the response time goal was met 48 percent of the time. She said the response time goal will be adjusted at the end of this year.

Major Lockhart submitted a revised Traffic Summary that replaced the one in the Board book. He said next month's report will have some formatting changes. Commissioner Wasson-Hunt complimented Major Lockhart for all of his work on the All Star game, scheduled for July 10, 2012. He said developing the security plan for the game has been very much a group effort by many members of the Department. Deputy Chief Rose said she has attended several of the planning meetings related to the All Star game and this has been a phenomenal effort with the City, fire department, federal partners, etc. Text alerts with All Star game information is available through the Department's text alert system by texting "All Star KC 888777."

With regard to the Plaza and the entertainment districts, Deputy Chief Rose said there have been no major incidents. She said the City opened two community centers, Brush Creek Community Center and the Greg/Klice Community Center, for use by young people on Friday and Saturday nights. Attendance has increased at these community centers with nearly 200-250 teenagers and there have been no major problems. Additionally, the College Basketball Experience offers reduced admission once a month which attracted a crowd of nearly 1,000 young people. Mayor James said he appreciates Deputy Chief Rose's work on the Youth Focused Policing Project Task Force and her work on the All Star game security plan.

Mayor James asked about extending the hours at these community center locations as well as the need for more security in the event of overflow at the Brush Creek location. Deputy Chief Rose agreed with extending the hours and said additional security will be provided.

The Board took a brief recess at 10:20 a.m. and resumed at 10:27 a.m.

8. Administration Bureau.

A/ Deputy Chief Pruetting submitted the Personnel Summary dated May 31, 2012. Current department strength is 1,366 law enforcement personnel compared to 1,386 for this same time period in 2011. There are 567 civilians compared to 571 for the same time period 2011.

Eighteen recruits will graduate from the academy on August 19, 2012.

The Entrant Officer Class of 32 that began last month will graduate on December 13, 2012.

- Professional Development & Research Bureau. Deputy Chief Higgins presented the following policy for approval.
- a. <u>Project #527, Pay summary</u>. She said this policy has minor wording changes.

A motion was made by Commissioner Brooks, with a second by Commissioner Wasson-Hunt approving Personnel Policy 446-4, entitled Pay Summary.

Commissioner McInerney asked about the Fiscal Procedures policy.

Deputy Chief Higgins said that policy will be brought before the Board as an informational item at the next Board meeting.

Chief Forté asked the Board if they still plan to change the manner in which they review policies. Mayor James suggested having a consent agenda to move items through quickly. The Commissioners agreed.

10. Executive Services Bureau.

a. Addendum to the HIDTA Investigative Support Center Initiative Cooperative Agreement #G11MW0003A. Major Robin Houston presented a memorandum dated June 8, 2012, recommending acceptance of an additional \$54,400.03 for the contract period beginning January 1, 2011 and ending December 31, 2012. The new award total is \$396,978.03.

A motion was made by Commissioner Brooks, with a second by Mayor James accepting the addendum to the HIDTA contract for an additional \$54,400.03, making the award total \$396,978.03. The vote was 5-0 in favor.

b. <u>HIDTA modification #G12MW0005A</u>. Major Houston presented a memorandum dated June 11, 2012, recommending acceptance of a modification of the Midwest HIDTA contract. The modification increased the Kansas City Metropolitan Enforcement Task Force budget by \$25,640 for the purchase of equipment. The award total is now \$1,031,045 which makes up \$730,122 for the task force, \$167,256 for the Gang Squad, and \$133,667 for the forensic lab.

A motion was made by Commissioner McInerney, with a second by Commissioner Wasson-Hunt accepting the modification to the HIDTA contract making the award total \$1,031,045. The vote was 5-0 in favor.

c. <u>Renewal Opt-E-Man service</u>. Major Houston presented a memorandum dated June 14, 2012, recommending approval for the renewal of

data circuit Opt-E-Man service from AT&T for a 60 month contract. The anticipated expenditure for the 60 month contract is \$1,154,995.20.

A motion was made by Mayor James, with a second by Commissioner McInerney approving the renewal of Opt-E-Man service for the total anticipated expenditure of \$1,154,995.20. The vote was 5-0 in favor.

d. Budget transfers for fiscal year 2012-13.

Major Houston submitted a memorandum dated June 13, 2012, outlining the details of these budget transfers. A copy of this memorandum is Attachment "D" and made a part of these minutes.

A motion was made by Mayor James, and a second by Commissioner Wasson-Hunt approving the budget transfers as presented. The vote was 5-0 in favor.

e. Adjustments to special revenue funds for fiscal year 2012-13.

Major Houston presented a memorandum dated June 14, 2012, requesting adjustments to the special revenue accounts for Fiscal Year 2012-13.

A copy of this memorandum is Attachment "E" and made a part of these minutes.

A motion was made by Commissioner Wasson-Hunt, and a second by Commissioner McInerney approving the adjustments to the special revenue accounts as presented. The vote was 5-0 in favor.

f. <u>Budget Summary for the month of May</u>. Major Houston submitted this memorandum, dated June 13, 2012, for informational purposes only. A copy of this memorandum is Attachment "F" and made a part of these minutes.

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g. <u>Missouri DOT Work Zone Enforcement Program Agreement</u>. Major Houston presented a memorandum dated June 13, 2012, recommending acceptance of the fully executed Work Zone Enforcement Program Agreement between the Department and the Missouri Highways and Transportation Commission (MHTC).

A motion was made by Mayor James, with a second by Commissioner Brooks accepting the MHTC Work Zone Enforcement Program Agreement as presented. The vote was 5-0 in favor.

h. <u>Federal Equitable Sharing Agreement and Certification</u>. Major Houston submitted a memorandum dated June 20, 2012, recommending approval of this agreement and certification with the U.S. Department of Justice.

A motion was made by Commissioner Wasson-Hunt, with a second by Mayor James accepting the Federal Equitable Sharing Agreement and Certification as presented.

i. <u>KC Multi-jurisdictional Task Force Funding (for cause)</u>. Major Houston said each year the Department requests KC multi-jurisdictional task force money which funds the Interdiction Squad. This year the Department requested an amount of \$551,000 and recently the Department of Public Safety notified the Department that funding had been reduced to \$423,000. Major Houston said there is adequate money in the federal forfeiture fund and requested approval to match \$119,000 from this fund to supplement the grant funding. Ms. Virginia Murray said there is no legal objection to doing so.

A motion was made by Commissioner Brooks, with a second by Commissioner McInerney approving the match of \$119,000 from the federal forfeiture fund to supplement the grant funding. The vote was 5-0 in favor.

11. Ms. I. Pearl Fain.

- a. <u>Monthly report</u>. Ms. Fain presented the monthly statistical report for May 2012. This report is maintained in the Office of Community Complaints. OCC received a total of 28 complaints for the month of May 2012, and eight of these complaints were submitted to the Internal Affairs Unit for Investigation. She noted that there is a downward trend on complaints for improper procedure.
- b. <u>Update on OCC resource officer position</u>. Ms. Fain submitted a report that provided the Board with feedback regarding the progress and effectiveness of the OCC resource officer position.

12. A/ Deputy Chief James Pruetting.

a. <u>Monthly OCC investigation report</u>. Major James Pruetting discussed the May 2012, OCC report and reported that there were 16 OCC's under investigation and none have been granted an extension beyond 60 days. IAU received 61 OCC's this year compared to 70 for the same period last year. A total of 71 investigations have been completed and forwarded to OCC compared to 73 for the same period last year.

Captain Daniel Gates introduced Captain Robert Kolenda of the Overland Park Police Department who also holds the position of Director of the KCTEW. Captain Kolenda said the fusion center was formed in October 2004 under the Mid-America Regional Council (MARC) as part of the Regional Homeland

Security Committee under the law enforcement subcommittee. He said the fusion center in Kansas City, Missouri, is one of 77 recognized fusion centers in the United States. Captain Kolenda said fusion centers were first developed in 1996, in California, for the purpose of joining together state, local, and federal government agencies with the private sector to look at threats in regard to criminal activity that could potentially lead to terrorist acts. This includes getting information from first responders as well as citizens. Mr. Kolenda said the fusion centers are not controlled by the federal government, however, the federal government does provide funding. Local partners govern the fusion centers. Additionally, Mr. Kolenda said the fusion center is not a domestic spying agency. Fusion centers have a very strong privacy policy to protect the rights of U.S. citizens.

- **13.** <u>Audit Committee update</u>. Commissioner Wasson-Hunt said an Audit Committee meeting is scheduled for 2:00 p.m., on June 29, 2012.
- **14.** Fraternal Order of Police Lodge No. 99.. Officer Miller said the executive board of the FOP and trustees will be attending the Missouri State FOP Conference on June 28-30, 2012 to receive training.

The FOP is holding a raffle for All Star game tickets and anyone interested can contact any FOP member. A portion of the proceeds will go to charity.

Officer Miller thanked A/ Deputy Chief Pruetting, Deputy Chief Gallagher, Captain Winebrenner and Mark Flaherty for their work on the negotiations related to the MOU.

15. Mr. David Kenner. Mr. Kenner introduced two law clerks, Shawn Cooper and Kevin Boyd, law school students who are working at Levy & Craig for the summer.

16. Scheduled meetings.

Regular Board Meetings:

Tuesday, July 17, 2012 9:00 a.m., 6th floor, Board room

Tuesday, August 28, 2012 9:00 a.m., 6th floor, Board room

Business Sessions:

Thursday, June 14, 2012 9:00 a.m., 6th floor, Board room

Tuesday, August 14, 2012 9:00 a.m., 6th floor, Board room

17. Commissioner Angela Wasson-Hunt.

A motion was made by Commissioner Wasson-Hunt, with a second by Commissioner Brooks approving the appointment of Leslie Lewis to fill a position on the Kansas City Police Retirement Board. The vote was 5-0 in favor.

Commissioner Wasson-Hunt congratulated the Media Unit for their excellent work on the annual report.

Commissioner Wasson-Hunt said she spoke with Deputy Chief Higgins last week and discussed the new initiatives put in place by Chief Forté. Commissioner Wasson-Hunt wanted to point out Deputy Chief Higgins' observation that last winter was very mild and if the new initiatives had not been

in place the homicide rate could be much higher. The Commissioner thanked everyone for their efforts on these new initiatives.

18. <u>Commissioner Patrick A. McInerney</u>. Commissioner McInerney thanked everyone for their calls, e-mails, etc., acknowledging the passing of his step-mother.

A motion was made by Commissioner McInerney, with a second by Commissioner Brooks to adjourn the open session at 11:12 a.m. and go into closed session to discuss legal matters, employment matters, preparation for negotiations with employees, litigation matters, and real estate.

The vote was 5-0 in favor.

RESOLUTION

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on March 22, 2012, and

WHEREAS, said notice indicated that the Board of Police Commissioners might go into closed session during said meeting, and

WHEREAS, notice of the closed meeting follows the guidelines of Section 610.020 of the Revised Statutes of Missouri.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Police Commissioners go into closed session during the meeting being held on Tuesday, June 26, 2012, at Police Headquarters, 1125 Locust, Kansas City, Missouri, for the purpose of discussing legal matters, employment matters, preparation for negotiations with employees, litigation matters, and real estate matters.

The following Commissioners were present and voted to go into closed session as follows:

Commissioner Patrick McInerney - Aye
Commissioner Lisa T. Pelofsky - Aye
Commissioner Alvin Brooks - Aye
Commissioner Wasson-Hunt - Aye
Mayor Sylvester "Sly" James, Jr. - Aye

There being a quorum present and the question of holding a closed session having received an affirmative public vote of at least three (3) members, a closed meeting was held as set forth above.

Commissioner Brooks was briefly absent.

Following a motion by Mayor James and a second by Commissioner Wasson-Hunt, the Board voted to go into special closed session to discuss personnel and legal matters.

The vote was 4-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner McInerney voted Aye, Commissioner Wasson-Hunt voted Aye and Mayor James voted Aye.

Commissioner Brooks returned.

Sitting as a review hearing panel, the Board voted to uphold the termination of Officer Anthony Melkowski by Former Chief James Corwin.

The vote was 5-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, Commissioner Wasson-Hunt voted Aye and Mayor James voted Aye.

Following a motion by Commissioner Brooks and a second by Mayor James, the Board voted to come out of special closed session.

The vote was 5-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, Commissioner Wasson-Hunt voted Aye and Mayor James voted Aye.

Mayor James left the meeting.

Following a motion by Commissioner McInerney and a second by Commissioner Brooks, the Board voted to approve the renewal of a lease for a covert location.

The vote was 4-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, and Commissioner Wasson-Hunt voted Aye.

Following a motion by Commissioner McInerney and a second by Commissioner Brooks, the Board voted to adjourn.

The vote was 4-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, and Commissioner Wasson-Hunt voted Aye.

	President
Secretary/Attorney	